## REMARKS

At the time of the Office Action, Claims 1-20 were pending. Claims 1-20 were rejected. Claims 4, 6-7, and 14 have been amended. Claims 1-20 remain pending.


**Rejections under 35 U.S.C. §112, second paragraph**

The Examiner rejected claims 4, 16, and 17 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have amended claim 4 and claim 14 to address the section 112, second paragraph rejections. Applicants submit that the pending claims are fully compliant with the requirements of section 112, and Applicants respectfully request the Examiner to reconsider and withdraw the Section 112, second paragraph rejections.


**Rejections under 35 U.S.C. §102(e)**

The Examiner rejected claims 4 and 5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,751,591 issued to Gorin *et al.* (hereinafter, "Gorin").


Claims 4-5

Applicants respectfully traverse the Section 102(e) rejection of claim 4 as amended to address the Section 112 second paragraph rejection because the cited reference does not expressly or inherently teach all of the elements of claim 4. An anticipation rejection is improper unless all of the claim elements are disclosed in a single prior art reference.

Claim 4 recites, in part, "an error management module having a global error counter and a global error set point;...[and] the user interaction module operable to determine whether to direct a user to an agent based upon the global error counter and the global error set point." The Office Action indicates that the error management module having a global error counter and a global set point is taught by Gorin. Specifically, the Office Action states that Gorin's discussion of a training database that stores language understanding errors @ 4:3-28 anticipates the claimed error counter. Applicants disagree.

**A database that stores errors is not, either expressly or inherently a global error counter as claimed**. "In digital logic and computing, a counter is a device which stores...the

number of times a particular event or process has occurred." See, e.g., Wikipedia definition of "counter" (emphasis added). Gorin does not describe expressly or inherently that its error database includes any elements that store the number of times an error has occurred. Gorin merely teaches that its training database 165 stores NLU errors collected from interactions with human users and models built on those errors. There is nothing in this disclosure that describes a device, element, or feature that stores that number of times a particular event, e.g., an NLU error, has occurred.

Nor does Gorin teach expressly or inherently a global set point as recited in claim 4. The Office Action cites Gorin @ 7:59-67 as teaching the global set point. More specifically, the Office Action argues:

"the NLU monitor determines whether the input can be understood so that the task can be classified. If the task cannot be classified, i.e., there is a recognition error, the system changes operational flow to attempt to remedy the error. Therefore the system must have an global error set point, since system function transitions from normal recognition to error correction once that point is reached."

The cited passage does not anticipate the claim terms. The claim recites a module operable to determine whether to direct a user to an agent based upon [a] global error counter and [a] global error set point. The cited portion of Gorin does not determine whether to direct a user to an agent based upon a global error counter and a global error set point. The Office Action itself states that Gorin unconditionally changes operational flow when a recognition error is detected. Thus, Gorin, as interpreted by the Examiner, teaches the unconditional changing of operational flow when a recognition error is detected regardless of how many such errors have been detected previously. A description of an unconditional change in operational flow in response to a recognition error does not inherently or expressly teach determining whether to direct a user to an agent based upon a global error counter and a global error set point as claimed.

Because the cited reference does not teach expressly or inherently all of the elements of claim 4, Applicants respectfully request the Examiner to reconsider and withdraw the anticipation rejection of claim 4 and its dependent claim 5.

## Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-3 and 6-20 under 35 U.S.C. §103(a) as being unpatentable over Gorin in view of U.S. Patent No. 6,138,008 issued to Dunn *et al.* (hereinafter, "Dunn").

Claim 1-3

Applicants traverse the Section 103(a) rejection of claim 1 because the cited references do not teach all of the claim elements. An obviousness rejection based on a rationale of combining the features of multiple prior art references is proper only if the references teach all of the elements as claimed. See, e.g., MPEP 2143 (A). Claim 1 recites a global error counter element and a global error set point element analogous to elements recited in claim 4. The Office Action states, as it did with respect to claim 4, that Gorin teaches these elements. For reasons analogous to those presented above with respect to claim 4, Applicants submit that the cited references do not teach the claimed elements where the secondary reference cited in the Section 103(a) rejection does not supply those elements not found in Gorin. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 1 and its dependent claims 2-3.

Claims 14-20

Applicants traverse the Section 103(a) rejection of claim 14 as amended to address the Section 112, second paragraph issues because the cited references do not teach all of the claim elements. Claim 14 recites a global error counter element and a global error set point element analogous to elements recited in claim 4. The Office Action states, as it did with respect to claim 4, that Gorin teaches these elements. For reasons analogous to those presented above with respect to claim 4, Applicants submit that the cited references do not teach the claimed elements where the secondary reference cited in the Section 103(a) rejection does not supply the elements not found in Gorin. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 14 and its dependent claims 15-20.

Claims 6-13

    The Section 103(a) rejections of claims 6-13 are addressed by the arguments presented above for independent claim 4.


## CONCLUSION

    Applicants believe that this document contains a reply to every item set forth in the Office Action and that the pending claims recite subject matter that is allowable over the cited references.

    Applicants believe no fees are due at this time; however the Commissioner is hereby authorized to charge any fees necessary, or credit any overpayments, to Deposit Account No. 10-0096 of Jackson Walker L.L.P. in order to effectuate this filing.

    If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.236.2019.

Respectfully submitted,
JACKSON WALKER L.L.P.
Attorney for Applicants

Joseph P. Lally
Reg. No. 38,947


SEND CORRESPONDENCE TO:
JACKSON WALKER L.L.P.
CUSTOMER ACCOUNT NO. **67942**
512.236.2019
512.391.2111 (fax)


5069058v.1